

Preliminary Classification:

Proposed Class:

Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Deborah A. Schade; Kimberly L. Merkel; James W. Hansen

For (title): USE OF DOCOSAHEXAENOIC ACID AND ARACHIDONIC ACID ENHANCING
THE GROWTH OF PRETERM INFANTS

1. Type of Application

This application is for a divisional.

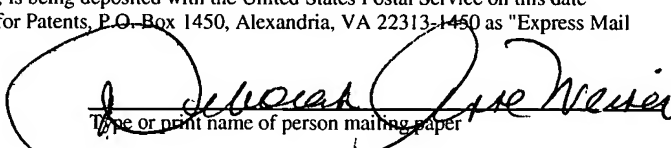
2. Benefit of Prior U.S. Application (35 U.S.C. §§ 119(e), 120, or 121)

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date November 14, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EL 999246315US.


Type or print name of person mailing paper

Date: November 14, 2003

Deborah Anne Weiner

Signature of person certifying

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The new application being transmitted claims the benefit of prior U.S. application. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

82 Page(s) of Specification
4 Page(s) of Claims
6 Sheet(s) of Drawing(s)--Informal

- B. Other Papers Enclosed

1 Page(s) of abstract
1 Page(s) of Title Page

4. Declaration or Oath

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all of the above-named inventors.

5. Inventorship Statement

The inventorship for all the claims in this application is the same.

6. Language

English

7. Fee Calculation (37 C.F.R. § 1.16)

Regular Application

CLAIMS AS FILED										
		Number Filed		Number Extra		Rate		Basic Fee 37 C.F.R. § 1.16(a) \$750.00		
Total										
Claims (37 C.F.R § 1.16(c))		18	–	20	=	0	x \$	18.00	= \$	0.00
Independent										
Claims (37 C.F.R § 1.16(b))		4	–	1	=	0	x \$	86.00	= \$	86.00

Multiple Dependent Claim(s), if any (37 C.F.R § 1.16(d))	\$ 280.00	\$ 0.00
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Filing Fee Calculation	\$770.00
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8. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$770.00
Extra Independent Claims	86.00

Total Fees Enclosed	\$856.00
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9. Method of Payment of Fees

Attached is check number 23678 in the amount of \$856.00.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-2548.

A duplicate of this paper is attached.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATION CLAIMED
(37 C.F.R. § 1.78)**

10. Relate Back

A. 35 U.S.C. Sections 120, 121 and 365(c)

The present application is a Divisional of United States Patent Application Serial No. 09/381,484, filed February 19, 2002, which is a Continued Prosecution Application of United States Non-provisional Patent Application Serial No. 09/381,484, filed September 21, 1999 under 35 U.S.C. § 371, which is a National Phase Application of International Application No. PCT/US98/10566, filed March 20, 1998, which designated the United States and claims the benefit of United States Provisional Application Serial No. 60/042,366, filed March 27, 1997, and claims the priority benefit of each of these applications, each of which is incorporated herein by reference in its entirety, and is related to a commonly assigned and copending application having the title "Use of Docosaheaxaenoic Acid and Arachidonic Acid Enhancing The Growth of Preterm Infants", which was filed on the same date as the present application.

11. Maintenance of Copendency of Prior Application

No conditional petition for extension of time is required in the pending prior application.

12. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

13. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this divisional is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: November 14, 2003

Reg. No.: 52,284

Tel. No.: 864-250-2298


Signature of Practitioner

Robert S. Thomas
Nelson Mullins Riley & Scarborough
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16367 U.S. PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 856.00)

Complete if Known

Application Number	
Filing Date	November 14, 2003
First Named Inventor	Schade et al.
Examiner Name	
Art Unit	
Attorney Docket No.	19400/09003DIV

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:

Deposit Account Number 50-2548

Deposit Account Name Nelson Mullins

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 770.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	18	-20** = 0	18	0
Independent Claims	4	-3** = 1	86	86
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 86.00)				

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Name (Print/Type)	Robert S. Thomas	Registration No. (Attorney/Agent)	52,284	Telephone	(864)2502298
Signature		Date	November 14, 2003		

(Complete if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Deborah A. Schade, Kimberly L. Merkel and James W. Hansen

Application No.:

Group No.:

Filed: 11/14/2003

Examiner:

For: Use of Docosahexaenoic Acid and Arachidonic Acid Enhancing the Growth of Preterm Infants

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL999246315US

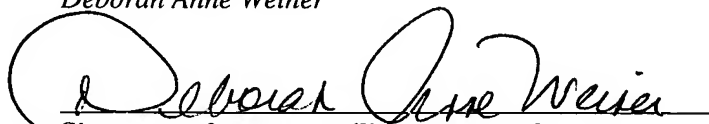
Date of Deposit 11/14/2003

I hereby state that the following *attached* paper or fee

1. Fee Transmittal Sheet (1 page)
2. New Application Transmittal with Added Pages for Application Transmittal Where Benefit of Prior US Applications Claimed w/duplicate (4 pages)
3. Patent Application Data Sheets (6 pages)
4. Divisional Patent Application with Title Page, Abstract and Drawings (94 pages)
5. Check Number 23678 for \$856.00 (1 page); and
6. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Deborah Anne Weiner



Signature of person mailing paper or fee